IN THE DRAWINGS:

Please amend Figure 1 as illustrated in red on the attached photocopy. Figure 1 has been amended to add reference numeral --2--.

REMARKS

Claim Rejections

Claims 1-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tello (U.S. 6,463,537) in view of Liu (U.S. 6,231,145). Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Tello in view of Liu and further in view of Sarat (U.S. 6,581,122).

Abstract of the Disclosure

Applicant is submitting a substitute Abstract of the Disclosure for that originally filed with this application to more clearly describe the claimed invention. Entry of the Substitute Abstract of the Disclosure is respectfully requested.

Drawings

Applicant proposes to amend Figure 1, as illustrated in red on the attached photocopy. In Figure 1 it is proposed to add reference numeral --2--. No "new matter" has been added to the original disclosure by the proposed amendments to these figures. It is believed the foregoing proposed amendments obviate the outstanding objections to the drawings. Approval of the proposed drawing changes is respectfully requested.

New Claims

By this Amendment, Applicant has canceled claims 1-7 and has added new claims 8-15 to this application. It is believed that the new claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

The new claims are directed toward a data encipher/decipher system for a computer comprising: a portable rack (1); a storage device (16) located in the portable rack; a circuit board (13) connected to a signal connector of the portable rack and having: a delay connector (14) connected to the storage device; a power plug (15) connected to the storage device; at least two connecting wires (22); and

a signal line; an encipher/decipher device connected to the signal line of the circuit board; an unlock receptacle being located in an exterior of the portable rack; and an unlock key having an inner unlock chip and an unlock plug selectively engaging the unlock receptacle and being movable between engaged and disengaged positions, wherein when the unlock key is in the engaged position the encipher/decipher device performs an identification procedure identifying a password in the inner unlock chip of the unlock key, when the password of the unlock key matches a password of the encipher/decipher device, the encipher/decipher device allows deciphered data and encrypted data to be read from and written to the storage device, and when the unlock key is in the disengaged position, the encipher/decipher device performs the identification procedure and maintaining the storage device in a locked state.

Other embodiments of the present invention include: the portable rack is a mobile rack including an outer rack mounted to a housing of the computer, and an inner rack electrically connected to the outer rack, the inner rack is removably inserted into a front gate of the outer rack; the storage device is selected from a group of storage devices consisting of a hard disk, a zip disk drive, a magneto-optical disk drive, a tape unit, and a card reader; the portable rack is an external rack including an outer rack mounted to a housing of the computer, and an inner rack electrically connected to the outer rack, the inner rack is removably inserted into a front gate of the outer rack; the storage device is selected from a group of storage devices consisting of a hard disk, a zip disk drive, a magneto-optical disk drive, a tape unit, and a card reader; at least two signal lights located on the exterior of the portable rack and connected to the circuit board; the unlock receptacle is a USB receptacle and the unlock plug is a USB plug; and the unlock receptacle is an IEEE 11394 receptacle and the unlock plug is an IEEE plug.

The primary reference to Tello teaches a modified computer motherboard having a data storage device, a smart card reader (133), a smart card interface (135), and a programing circuit (129).

Tello does not teach a portable rack; an unlock receptacle being located in an exterior of the portable rack; an unlock key having an inner unlock chip; when the unlock key is in the engaged position the encipher/decipher device performs an

identification procedure identifying a password in the inner unlock chip of the unlock key; nor does Tello teach the unlock receptacle is an IEEE 11394 receptacle and the unlock plug is an IEEE plug.

The secondary reference to Liu teaches a mobile rack and is cited for teaching a mobile rack for accessing a hard drive.

Liu does not teach an unlock receptacle being located in an exterior of the portable rack; an unlock key having an inner unlock chip; when the unlock key is in the engaged position the encipher/decipher device performs an identification procedure identifying a password in the inner unlock chip of the unlock key; nor does Liu teach the unlock receptacle is an IEEE 11394 receptacle and the unlock plug is an IEEE plug.

The secondary reference to Sarat teaches a smart card and is cited for teaching a smart card with a USB protocol.

Sarat does not teach an unlock receptacle being located in an exterior of the portable rack; an unlock key having an inner unlock chip; when the unlock key is in the engaged position the encipher/decipher device performs an identification procedure identifying a password in the inner unlock chip of the unlock key; nor does Sarat teach the unlock receptacle is an IEEE 11394 receptacle and the unlock plug is an IEEE plug.

Even if the teachings of Tello, Liu, and Sarat were combined, as suggested by the Examiner, the resultant combination does not suggest: an unlock receptacle being located in an exterior of the portable rack; an unlock key having an inner unlock chip; when the unlock key is in the engaged position the encipher/decipher device performs an identification procedure identifying a password in the inner unlock chip of the unlock key; nor does the combination suggest the unlock receptacle is an IEEE 11394 receptacle and the unlock plug is an IEEE plug.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over

40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

> The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

> As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

> We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either Tello, Liu, or Sarat that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Tello, Liu, nor Sarat disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's new claims.

Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: October 24, 2005 By: 

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